

MARIO N. ALIOTO, ESQ. (56433)
LAUREN C. RUSSELL, ESQ. (241151)
TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP
2280 Union Street
San Francisco, CA 94123
Telephone: (415) 563-7200
Facsimile: (415) 346-0679
E-mail: malioto@tatp.com
lauren russell@tatp.com

JOSEPH M. PATANE, ESQ. (72202)
LAW OFFICE OF JOSEPH M. PATANE
2280 Union Street
San Francisco, CA 94123
Telephone: (415) 563-7200
Facsimile: (415) 346-0679
E-mail: jpatane@tatp.com

Attorneys for Plaintiff Bongo Burger, Inc.
[Additional Attorneys Appear On Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BONGO BURGER, INC., on behalf of itself	)	Case No. 3:09-cv-01836 MMC
and all others similarly situated,)	
)	
Plaintiffs,	)	PLAINTIFF BONGO BURGER, INC.'S
vs.	)	RE-NOTICE OF MOTION AND
	)	MOTION TO AUTHORIZE SERVICE
TECUMSEH PRODUCTS COMPANY, ET	)	ON CERTAIN FOREIGN DEFENDANTS
AL.,	)	PURSUANT TO FED. R. CIV. P. 4(f)(3)
)	
Defendants)	
)	
	)	Date: June 19, 2009
	)	Time: 9:00 a.m.
	)	Courtroom 7, 19th Floor
	)	Hon. Maxine M. Chesney

RE-NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

Pursuant to the May 20, 2009 Reassignment Order, by which the Executive Committee of the Court reassigned the above-captioned case to the Honorable Maxine M. Chesney from Magistrate Judge Elizabeth D. Laporte:

PLEASE TAKE NOTICE that Plaintiff Bongo Burger, Inc. hereby re-notices its motion for an order authorizing it to serve certain foreign defendants through service of the summons and complaint on their domestic subsidiary or parent company and their counsel, as permitted by Rule 4(f)(3) of the Federal Rules of Civil Procedure. This Motion is scheduled to be heard at 9:00 a.m. on June 19, 2009, in the courtroom of the Honorable Maxine M. Chesney, in the United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, California.

This motion is made pursuant to Rule 4(f)(3) of the Federal Rules of Civil Procedure, and on the grounds that the facts and circumstances of this case warrant the district court's intervention to effect service on certain foreign defendants.

This motion is based on this re-notice of motion and motion, the memorandum of law and the Declaration of Lauren C. Russell filed in support of this motion on May 15, 2009, all pleadings and records on file, and any additional briefing and argument presented to the Court before or at the hearing on this motion.

Dated: May 20, 2009

Respectfully submitted,

TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP

By: /s/ Mario N. Alioto
Mario N. Alioto (56433)
Lauren C. Russell (241151)
2280 Union Street
San Francisco, California 94123
Telephone: (415) 563-7200
Facsimile: (415) 346-0679
E-mail: malioto@tatp.com
lauren russell@tatp.com

Joseph M. Patane (72202)
LAW OFFICES OF JOSEPH M. PATANE
2280 Union Street
San Francisco, CA 94123
Telephone: (415) 563-7200
Facsimile: (415) 346-0679
E-mail: jpatane@tntp.com

Sherman Kassof (66383)
LAW OFFICES OF SHERMAN KASSOF
954 Risa Road, Suite B
Lafayette, CA 94549
Telephone: (510) 652 2554
Facsimile: (510) 652 9308
E-mail: heevay@att.net

*Attorneys for Plaintiff Bongo Burger, Inc. And All
Others Similarly Situated*

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Lauren C. Russell, attest that concurrence in the filing of this document has been properly obtained from the signatory, Mario N. Alioto. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 20th day of May, 2009, in San Francisco, California.

/s/ Lauren C. Russell